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MAY 29 2007

Application No.: 10/821,574

REMARKS

Claims 1-9, 11, 13, and 14 are pending in this application. Applicant appreciatively acknowledges the indication that claims 10 and 11 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claims 1, 11, and 13 are amended to further clarify the recited subject matter, claims 6, 7, 9, and 12 are withdrawn from further consideration to comply with the Examiner's prior restriction (election) requirement, claim 10 is cancelled, and new claim 14 is added. The above-indicated amendments are supported by the original disclosure and no new matter is added by these amendments. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

**I. CLAIM REJECTIONS - 35 U.S.C. §112**

**A. CLAIMS 1-5, 8, 10, AND 11 ARE DEFINITE**

The Office Action rejects claims 1-5, 8, 10, and 11 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. More specifically, the Office Action states that claim 1 is indefinite because the specification and drawings show only one pouch.

Applicant traverses the rejection because the specification clearly describes and teaches that more than one pouch may be used with the present invention. The Applicant believes that the inclusion of more than one pouch is clearly understood from the specification, without a specific drawing illustrating the inclusion of more than one pouch.

The inclusion of more than one pouch is clearly understood from the specification. For example, the Abstract states that “[i]n an alternative embodiment prefilled, disposable hydration pouches are removably coupled to the hose and then disposed and replaced following consumption of the liquid contained therein”.

Paragraph 0013 states that certain features of the present invention “allows a user to purchase only one hose and bite valve for use with any number of hydration pouches that may vary in size or features ...”.

Paragraph 0015 states that “[i]n another embodiment the present invention is directed to a hydration system which includes a supply of prefilled, flexible pouches having fluid therein”.

Paragraph 0020 states that, among other things,

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"the present invention is directed to a method for hydrating a person which includes the steps of providing a first prefilled, flexible pouch having a potable liquid therein, the pouch having an outlet for passing liquid from the pouch and including a check valve, providing a hydration tube having a first end and a second end, removably coupling the hydration tube at the first end thereof to the pouch outlet, thereby opening the check valve and allowing the liquid to flow from the pouch through the hydration tube, providing means for consuming the liquid through the second end of the hydration tube, decoupling the first prefilled, flexible pouch from the hydration tube upon consumption of at least a portion of the liquid therefrom, the check valve precluding the liquid from flowing from the pouch upon decoupling, providing subsequent prefilled, flexible pouches each having a potable liquid therein, each pouch having an outlet for passing liquid from the pouch and including a check valve, and repeatedly coupling, consuming, and decoupling the subsequent pouches."

Paragraph 0068 states that, among other things,

"the present invention is directed to a hydration system, which employs prefilled, disposable hydration pouches, which may be quickly and easily removed and replaced without leakage. That is, while the hydration pouches of the present invention illustrated in FIGS. 2A and 3A are intended generally for repeated filling and reuse by a consumer, the pouches shown in FIGS. 5 and 6A through 6D preferably are formed and filled at a centralized packaging facility for a single use, replacement and disposability. Although a durable, reusable pouch may be preferred in many environments, certain situations call for the convenience of a prefilled, replaceable, disposable pouch. For example, in military applications a large number of soldiers can more quickly receive prefilled pouches from a central stock and replace and dispose of

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used pouches than they can refill reusable pouches. Other situations in which prefilled, disposable pouches may be preferred include sporting events with a large number of participants and activities in regions where potable water is inaccessible or not easily accessible. Alternatively, premium fitness waters or sports drinks may be provided in prefilled disposable pouches for consumption by individual users in accordance with the present invention.

Paragraph 0069 states that “[i]t should be noted that, as with disposable plastic water bottles, although the present prefilled pouches are disposable, the individual consumer may advantageously refill and reuse the pouch several times by filling the pouch through conduit 12 and port 44”.

Accordingly, Applicant respectfully submits that independent claim 1 is definite and meets the requirements of 35 U.S.C. §112. Likewise, claims 2-5, 8, 10, and 11, which depend, either directly or indirectly, from independent claim 1, also meet the requirements of 35 U.S.C. §112. Thus, claims 1-5, 8, 10, and 11 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §112 is respectfully requested.

#### B. CLAIM 13 IS DEFINITE

The Office Action rejects claim 13 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. While the Office Action fails to state why claim 13 is considered indefinite, Applicant believes that claim 13 may have been rejected for the same reason as claim 1.

Therefore, Applicant traverses the rejection because, as outline above, the specification clearly describes and teaches that more than one pouch may be used with the present invention. The Applicant believes that the inclusion of more than one pouch is clearly understood from the specification, without a specific drawing illustrating the inclusion of more than one pouch.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that independent claim 13 is definite and meets the requirements of 35 U.S.C. §112. Thus, claim 13 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §112 is respectfully requested.

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**II. PRIOR ART REJECTIONS - 35 U.S.C. §103****A. CLAIMS 1-5, 8, AND 10-11 ARE ALLOWABLE**

The Office Action rejected claims 1-5, 8, and 10-11 under 35 U.S.C. §103(a) as being unpatentable over Ho (U.S. Patent No. 5,806,726, hereinafter "Ho") in view of Savage (U.S. Patent No. 4,375,864, hereinafter "Savage").

As indicated in the Office Action, claim 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claim 1 is amended to incorporate the limitations of claim 10 into original claim 1.

Therefore, Applicant respectfully submits that amended claim 1 is allowable. Likewise, dependent claims 2-5, 8, and 10-11 are also allowable by virtue of their direct dependence from claim 1, and for the additional feature(s) it recites. Thus, claims 1-5, 8, and 10-11 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**B. CLAIM 2 IS ALLOWABLE**

The Office Action rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Ho in view of Savage and further in view of Snyder (U.S. Patent No. 4,981,022, hereinafter "Snyder").

As indicated in the Office Action, claim 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claim 1 is amended to incorporate the limitations of claim 10 into original claim 1.

Therefore, Applicant respectfully submits that amended claim 1 is allowable. Likewise, dependent claim 2 is also allowable by virtue of its direct dependence from claim 1, and for the additional feature(s) it recites. Thus, claim 2 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**C. CLAIM 13 IS ALLOWABLE**

The Office Action rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Ho in view of Savage and further in view of Snyder.

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As indicated in the Office Action, claim 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claim 13 is amended to incorporate the limitations of claim 10 into original claim 13. While Applicant appreciates that claim 10 did not and does not depend from claim 13, Applicant believes that claim 13 includes sufficient similar limitations to claim 1 that the incorporation of the limitations of claim 10 into original claim 13 will render claim 13 allowable.

Therefore, Applicant respectfully submits that amended claim 13 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**D. CLAIM 4 IS ALLOWABLE**

The Office Action rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Ho in view of Savage and further in view of Meyer et al. (U.S. Patent No. 5,052,725, hereinafter "Meyer").

As indicated in the Office Action, claim 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claim 1 is amended to incorporate the limitations of claim 10 into original claim 1.

Therefore, Applicant respectfully submits that amended claim 1 is allowable. Likewise, dependent claim 4 is also allowable by virtue of its direct dependence from claim 1, and for the additional feature(s) it recites. Thus, claim 4 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**E. CLAIM 11 REMAINS ALLOWABLE**

As indicated in the Office Action, claims 10 and 11 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. By this Amendment, claim 1 is amended to incorporate the limitations of claim 10 into original claim 1.

Therefore, Applicant respectfully submits that amended claim 1 is allowable. Likewise, amended dependent claim 11 is also allowable by virtue of its direct dependence from claim 1, and for the additional feature(s) it recites. Thus, claim 11 remains allowable.

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**III. NEW CLAIM 14 IS PATENTABLE**

By this Amendment, new claim 14 is added.

Applicant believes that new claim 14 includes sufficient similar limitations to amended claim 1 (which incorporates the limitations of allowable claim 10) to render new claim 14 patentable.

Therefore, Applicant respectfully submits that new independent claim 14 is allowable.

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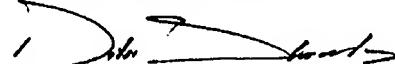
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CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits that claims 1-9, 11, 13, and 14 are directed to allowable subject matter and that the application is in condition for allowance. Accordingly, prompt reconsideration and allowance of the application with these claims is respectfully requested.

However, if the Examiner believes there is anything further necessary to place this application in better condition for allowance, Applicant requests the Examiner telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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